

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAMON MORENO and DONALD  
O'HALLORAN, individually and as  
representatives of a class of similarly situated  
persons, and on behalf of the Deutsche Bank  
Matched Savings Plan,

*Plaintiffs,*

v.

DEUTSCHE BANK AMERICAS HOLDING  
CORP., DEUTSCHE BANK MATCHED  
SAVINGS PLAN INVESTMENT  
COMMITTEE, DEUTSCHE BANK  
AMERICAS HOLDING CORP. EXECUTIVE  
COMMITTEE, RICHARD O'CONNELL,  
DEUTSCHE BANK AG, DEUTSCHE  
INVESTMENT MANAGEMENT  
AMERICAS INC., DeAWM SERVICE  
COMPANY, RREEF AMERICA, LLC, and  
JOHN DOES 1-40,

*Defendants.*

Case No. 1:15-CV-09936 (LGS)

**NOTICE OF MOTION TO  
DISMISS THE FIRST AMENDED  
COMPLAINT**

PLEASE TAKE NOTICE that Defendants Deutsche Bank Americas Holding Corp., Deutsche Bank Matched Savings Plan Investment Committee, Deutsche Bank Americas Holding Corp. Executive Committee, Richard O'Connell, Deutsche Bank AG, Deutsche Investment Management Americas Inc., DeAWM Service Company, and RREEF America, LLC (collectively, "Defendants"), by their undersigned counsel, will move this Court, on a date and time to be determined by the Court, for an Order dismissing with prejudice the First Amended Complaint for failure to file within the time period set forth by the applicable statutes of limitation and repose pursuant to ERISA § 413(2), § 1113(2) and ERISA § 413(1), 29 U.S.C. § 1113(1), for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P.

12(b)(6), and for lack of relevant ERISA fiduciary status as defined by ERISA § 3(21), 29 U.S.C. § 1002(21)(A). In support of their Motion, Defendants rely on the Memorandum in Support of Defendants' Motion to Dismiss the First Amended Complaint and the Declaration of Jaime A. Santos in Support of Defendants' Motion to Dismiss the First Amended Complaint and the exhibits attached thereto, filed concurrently herewith.

Dated: April 29, 2016

Respectfully Submitted,

/s/ Jamie O. Fleckner  
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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Jaime A. Santos  
Jaime A. Santos